

AN ORDINANCE
BY COUNCILMEMBER KWANZA HALL

COUNCIL DISTRICT 2

07-0 -0980

AN ORDINANCE TO ABANDON A PORTION OF CASTLEBERRY STREET, S.W. LOCATED BETWEEN PETERS STREET AND THE RAILROAD RIGHT-OF-WAY CONSISTING OF 0.115 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED AS TRACT "4" IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 84 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of CASTLEBERRY STREET (described in Exhibit "A" hereof and hereafter referred to as "CASTLEBERRY STREET");

WHEREAS, the City of Atlanta records indicate no evidence of Street Dedication for the referenced portion of CASTLEBERRY STREET;

WHEREAS, the Fulton County records indicate no deed transferring the above referenced portion of CASTLEBERRY STREET to the City of Atlanta;

WHEREAS, the City of Atlanta has no interest in the above referenced property;

WHEREAS, the abandoned portion of CASTLEBERRY STREET will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate and provide all services and utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section 1. That the portion of CASTLEBERRY STREET, S.W. located between PETERS STREET and the RAILROAD RIGHT-OF-WAY, consisting of 0.115 acres, more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2. That the City hereby expresses its intent to abandon CASTLEBERRY STREET (as hereinabove defined).

Section 3. That the abutting property owner's have agreed to pay \$1.00 for this transfer, because the City of Atlanta has no interest in the referenced property.

Section 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 5. That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

Section 6. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.